

# **EXHIBIT 43**

*PACIFIC ALLIANCE ASIA OPPORTUNITY FUND L.P. VS.  
KWOK HO WAN*

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*KWOK HO WAN  
December 11, 2019*

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1 SUPREME COURT OF THE STATE OF NEW YORK

2 COUNTY OF NEW YORK

3 -----X  
4 PACIFIC ALLIANCE ASIA OPPORTUNITY  
5 FUND L.P.,

6 Plaintiff,

7 - against -

8 KWOK HO WAN, a/k/a KWOK HO, a/k/a GWO  
9 WEN GUI, a/k/a GUO WENGUI, a/k/a GUO  
10 WEN-GUI, a/k/a WAN GUE HAOYUN, a/k/a  
11 MILES KWOK, a/k/a HAOYUN GUO,

12 Defendant.

13 Index No.: 652077/2017

14 -----X

15 605 Third Avenue  
16 New York, New York

17 December 11, 2019  
18 9:39 a.m.

19 CONTINUED VIDEOTAPED EXAMINATION

20 BEFORE TRIAL of HO WAN KWOK, before Melissa

21 Gilmore, a Shorthand Reporter and Notary Public

22 of the State of New York.

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12 ALSO PRESENT:

13 JAMES LIN, Mandarin Interpreter

14 UNA WILKINSON, Mandarin Check Interpreter

15 YVETTE WANG, Genever

16 DANIEL PODHASKIE, Golden Spring (New York)

17 DAN MACOM, Videographer

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KWOK

contract in March of 2011 which is a personal  
guarantee, with Pacific Alliance Group?

MR. HARMON: He has answered your  
question.

MR. MOSS: He just said he didn't  
answer it, Mark.

MR. HARMON: He has answered your  
question in the best way he can. You're  
putting a document in front of him which  
is in English, which might as well be in  
gibberish, because it would mean the same  
to him. He can't read the document.

A. I don't read English.

Q. Did you sign this document?

A. I don't read English.

Q. Take a look at the signature page.

A. I don't even sure. I don't sure  
that's not signature.

MR. MOSS: I'm sorry?

THE INTERPRETER: I'm not even sure  
that is my signature.

MR. HARMON: Again, this is  
testimony which has been gone over at the  
last deposition at length.

1 KWOK

2 A. Well, if you're going to put me  
3 under oath in front of a court and you can ask  
4 me that question, is that my signature or not,  
5 and then my answer to your question is I can  
6 guarantee you, hundred percent, that is not my  
7 signature.

8 Q. So we are done with that document.

9 THE CHECK INTERPRETER: The witness  
10 said something.

11 A. And I guarantee you, you know, if  
12 you want to, you can do forensic on that  
13 signature.

14 Q. Mr. Kwok, did you enter into --

15 A. Wait, wait, wait a minute. Am I  
16 supposed to keep that document?

17 MR. HARMON: No. They are done  
18 asking questions about it.

19 Q. Mr. Kwok, did you enter into a  
20 settlement with Pacific Alliance in which  
21 Pacific Alliance agreed to forgive the debt  
22 that it says you owed to them in exchange for  
23 getting three apartments in the Beijing Pangu  
24 Plaza?

25 MR. HARMON: Object to the form of

1 KWOK

2 the question.

3 A. How can you expect me to answer a  
4 made-up story and the nonsense of fact? How  
5 you expect me to answer that?

6 If I says yes, and then this is  
7 going to be the end of me. If I said no,  
8 because that means I don't know, even, it --  
9 somebody make up a story. How can you  
10 answer -- how can you answer that question with  
11 a true answer?

12 Q. So did you or did you not enter into  
13 a settlement agreement in April of 2013  
14 relating to three apartments in Pangu Plaza  
15 with PAG?

16 MR. HARMON: Object to the form of  
17 the question, asked and answered.

18 A. I don't know.

19 Q. Well, in April of 2013, did you  
20 personally owe Pacific Alliance any money?

21 A. No. No.

22 MR. MOSS: We are going to do these  
23 together as one document, and we're  
24 getting a clip, but why don't we introduce  
25 it now? This is Plaintiff's 15.



1 KWOK

2 (Plaintiff's Exhibit 15, E-mail with  
3 attachment, Bates Stamped PAX-KWOK-035048  
4 through 35068, marked for identification.)

5 Q. Mr. Kwok, Plaintiff's Exhibit 15,  
6 which you have just been handed, is an e-mail  
7 chain and an attachment. The e-mail chain  
8 starts with PAX-KWOK-35048, and the attachment  
9 goes through 35068. And on the first page of  
10 the attachment, 35051, the title page is an  
11 April 19, 2013, deed of settlement in relation  
12 to the facility letter, dated March 16, 2011.

13 A. I don't read English again.

14 Q. So in this document, I'll represent  
15 to you, Mr. Kwok, that Stevenson Wong wrote to  
16 PAG and they said, "Please find the sealed deed  
17 of settlement as attached for your record."

18 Stevenson Wong, were they or were  
19 they not your lawyers at the time in connection  
20 with this deed of settlement?

21 MR. HARMON: Object to the form of  
22 the question, and asked and answered.

23 A. He was representative for Pangu.  
24 Well, but I can tell you definite he does  
25 not -- he did not represent me.

1 KWOK

2 Q. At any time did Stevenson Wong ever  
3 represent you in connection with any business  
4 dealings?

5 A. I don't remember. I don't know.

6 Q. Let's look at the attachment. The  
7 last page is -- the signature page is 35065.

8 Are any of these your signatures?

9 A. I strongly urge you and advise you  
10 to do some forensic if -- and also if any of  
11 this signature belongs to me, I will take full  
12 responsibility and I will give up all --  
13 everything. And you should take -- you can  
14 take it down what I just said.

15 Any Chinese person or even a Chinese  
16 pig -- I mean, this is ridiculous. It's so  
17 ridiculous. You forge something like this, you  
18 try to accuse me.

19 This is so fake. Have you ever seen  
20 the dragon on Pangu building? And I have been  
21 signing my signature for over 30 years. I  
22 mean, this is so fake. It's not even funny.

23 And, again, I want to repeat this  
24 again. I strongly urge you and I strongly  
25 demand you to do some forensic on -- can you

1 KWOK

2 show me the first -- show me the first  
3 evidence? Can I see that again?

4 Q. What's the first evidence?

5 MS. SEARLES: Exhibit 11.

6 MR. MOSS: Sure.

7 THE WITNESS: I can use the pen,  
8 sir? I can use the pen?

9 MR. HARMON: No, no, no, no, no.

10 A. I can sign. I can sign -- I can  
11 sign right now. And I can prove to you and  
12 just looking at this two signature, any person  
13 with a common sense, you can tell right away,  
14 right now, right away, at this moment, it's not  
15 the same person sign these two signature.

16 And right now I want a very firm  
17 swear that if any of this, any of this are my  
18 signature, I will take hundred percent of  
19 responsibility. If forensic find out they are  
20 not mine, you guys will take hundred percent of  
21 responsibility.

22 And now I'm going to ask you do  
23 something very simple. Use your naked eyes,  
24 use your common sense to just look at these two  
25 signatures. Are those two belongs to one

1 KWOK

2 person or not?

3 And I can tell you that one exhibit,  
4 this one page, this exhibit, this is not from  
5 the same person.

6 You got to be joking here. You  
7 know, just look at the stroke. Look at the  
8 signature. This is not from the same person.  
9 You can use your common sense and just try to  
10 identify it.

11 Q. Mr. Kwok, I will represent to you  
12 that these documents were sent by e-mail to PAG  
13 from Stevenson Wong.

14 Is it your testimony that Stevenson  
15 Wong forged the documents?

16 MR. HARMON: Object to the form of  
17 the question. One doesn't have anything  
18 to do with the other. The predicate to  
19 your question has nothing to do with your  
20 question. Object to the form of the  
21 question.

22 MR. MOSS: Try to limit the speaking  
23 objections. You're doing it a lot. It's  
24 inappropriate.

25 MR. HARMON: I will continue to

1 KWOK

2 represent my client. Thank you.

3 A. All I want to tell you is my answer  
4 to you is this is a hundred percent forged.  
5 They are fake.

6 Don't tell me where they are coming  
7 from when my answer to you is very firm. It is  
8 hundred percent -- they are hundred percent  
9 fake.

10 Q. Do you have any information,  
11 Mr. Kwok, as to who forged these signatures?

12 A. I'm not law enforcement. I'm not a  
13 police and I don't know who did it, and I  
14 really want to know who did that, too.

15 Q. Do you have any recollection of  
16 having any discussions with Pacific Alliance  
17 discussing where they would get three  
18 apartments in exchange for forgiving a debt  
19 owed?

20 MR. HARMON: Object to the form of  
21 the question.

22 A. No. No.

23 Q. Do you recall entering into any --  
24 since you don't recall entering into the  
25 settlement agreement, I assume you don't recall

1 KWOK  
2 entering into any extensions of the settlement  
3 agreement?

4 MR. HARMON: Object to the form of  
5 the question.

6 A. This is fake. It's simple.

7 Q. So is the answer you don't recall  
8 having any discussions about extending the  
9 settlement agreement?

10 MR. HARMON: Object to the form of  
11 the question.

12 A. This is fake.

13 MR. HARMON: And when he says this,  
14 he's referring to which exhibit number?

15 THE INTERPRETER: It was Plaintiff  
16 15.

17 MR. HARMON: Thank you.

18 Q. Did you have any discussions with  
19 Pacific Alliance about conditions precedent for  
20 the purchase of three Beijing Pangu apartments  
21 in connection with the settlement?

22 THE CHECK INTERPRETER: I believe  
23 the interpreter did not correctly  
24 interpret the question.

25 Can you do that again?

1 KWOK

2 (Interpreter retranslates question.)

3 A. I don't recall.

4 Q. Did you have any discussions about  
5 trying to get title for any apartments in  
6 Beijing Pangu Plaza in order to give the title  
7 to PAG in connection with a settlement?

8 MR. HARMON: Object to the form of  
9 the question.

10 A. I don't recall.

11 (Plaintiff's Exhibit 16, E-mail with  
12 attachment, Bates Stamped PAX-KWOK-024077  
13 through 24087, marked for identification.)

14 Q. Mr. Kwok, you have been handed  
15 Exhibit 16. It's an e-mail chain Bates stamped  
16 24077 and an attachment that goes through  
17 24087.

18 The top e-mail is an e-mail from  
19 Aaron Xie, X-I-E, at Stevenson Wong, to PAG,  
20 attaching a supplemental deed of settlement.

21 Do you know who Aaron Xie is?

22 A. I don't have a clear recollection of  
23 this person's name or Aaron Xie.

24 Q. And if you turn to page 24087, are  
25 any of those your signatures?

1 KWOK

2 A. Do you feel those are signed by the  
3 same person? Hundred percent forged. You  
4 crazy?

5 Even a pig can tell this is not  
6 signed by the same person. I don't even know  
7 this is in Chinese or Japanese.

8 MR. HARMON: When he holds up two  
9 exhibits, can you tell us which number of  
10 the two exhibits he's comparing?

11 THE INTERPRETER: This is  
12 Exhibit 15.

13 MR. HARMON: 15 and --

14 THE INTERPRETER: Page 5065.

15 MR. HARMON: And the other one?

16 THE INTERPRETER: Exhibit 16, page  
17 4087. And this is one is Exhibit 11,  
18 page 660.

19 MR. HARMON: Thank you.

20 BY MR. MOSS:

21 Q. Do you recall having any discussions  
22 about this supplemental deed of settlement  
23 which extended the deadline to satisfy the  
24 conditions precedent relating to the sale of  
25 the apartments?



1 KWOK

2 MR. HARMON: Object to the form of  
3 the question.

4 A. No. Got to be crazy.

5 (Plaintiff's Exhibit 17, Second  
6 Supplemental Deed of Settlement, Bates  
7 stamped KWOK1195 through 1199, marked for  
8 identification.)

9 Q. Mr. Kwok, you have been handed  
10 Exhibit 17, which is the second supplemental  
11 deed of settlement, Bates stamped KWOK1195  
12 through 1199. Please direct your attention to  
13 page 1199.

14 Are any of those your signatures?

15 MR. HARMON: Object to the form of  
16 the question.

17 MR. MOSS: Sorry. What's the  
18 problem with the question, Mark? I will  
19 rephrase it.

20 MR. HARMON: Okay. You're  
21 representing that the document is what it  
22 says to be. If you say a document  
23 entitled, then I would not object to the  
24 form of the question.

25 MR. MOSS: I asked, are any of those

1 KWOK

2 your signatures.

3 MR. HARMON: But the whole question  
4 starts out with a representation that the  
5 document is the second supplemental deed  
6 of settlement, and it hasn't been  
7 established that it is.

8 MR. MOSS: Well, it was produced  
9 from your files with your Bates numbers on  
10 it.

11 MR. HARMON: You can ask whatever  
12 question you want. I just said object to  
13 the form of the question.

14 You asked me why. I told you why.  
15 Stand on your question. It's up to you.

16 BY MR. MOSS:

17 Q. Mr. Kwok, are these -- on page 1199,  
18 are any of these your signatures?

19 A. Hundred percent no.

20 Q. Did you have any discussions about  
21 this second supplemental deed of settlement or  
22 extending the conditions precedent in  
23 connection with this document?

24 MR. HARMON: Object to the form of  
25 the question.

1 KWOK

2 A. No.

3 (Plaintiff's Exhibit 18, Third  
4 Supplemental Deed of Settlement, dated  
5 July 11, 2014, Bates Stamped KWOK1200  
6 through 1205, marked for identification.)

7 Q. Mr. Kwok, you have been handed  
8 Exhibit 18, which is entitled "This Third  
9 Supplemental Deed of Settlement," dated  
10 July 11, 2014, Bates stamped KWOK1200 through  
11 1205.

12 Please direct your attention to  
13 page 1204. Are any of those your signatures?

14 A. Hundred percent, they are fakes. To  
15 me, it's a shock. This is the first time I  
16 have ever seen this kind of document. Wow. I  
17 will take hundred percent responsibility if I  
18 signed that.

19 Q. Mr. Kwok, given your testimony that  
20 this is the first time you have ever seen this  
21 kind of document, can you explain how these  
22 documents came from your files?

23 MR. HARMON: Object to the form of  
24 the question.

25 A. I'm talking about the signature. I

1 KWOK

2 want to make sure I'm talking about first time  
3 I saw signature like this.

4 You know, I want to be -- I want to  
5 make sure that, you know, don't misunderstood  
6 what I said.

7 You know, I don't know anything  
8 about the document. I didn't mean, you know,  
9 the first time I saw it was those signature. I  
10 don't know anything about this document.

11 Q. Can you explain how this document  
12 came to be produced by your lawyers purportedly  
13 from your files to us in this litigation?

14 MR. HARMON: Object to the form of  
15 the question.

16 A. I totally disagree with your -- now,  
17 when you talking about my current attorney, you  
18 know, got this document from me because he got  
19 from the attorney I fired, David Boies, and he  
20 got those document from Steven Wong.

21 And, you know, as I said earlier,  
22 Steven Wong was kidnapped by the Chinese  
23 government. He is controlled by the Chinese  
24 police. And he is making all kinds of fake  
25 document daily, every day.

1 KWOK

2 I like to hear what the other lawyer  
3 has to say.

4 MR. HARMON: I don't think we are  
5 allowed to do that as much as we'd like  
6 to.

7 THE INTERPRETER: But he says  
8 something. He says something quite loud.  
9 I like to know what he said about it.

10 Q. And when you refer to Steven Wong  
11 being kidnapped, are you referring to Hank Lo  
12 at Stevenson Wong?

13 THE CHECK INTERPRETER: What he said  
14 is, do you mean that the lawyer, Hank Lo,  
15 in Stevenson Wong?

16 A. Well, he's an attorney for the law  
17 firm at Hank & Lo.

18 THE CHECK INTERPRETER: Hank Lo is  
19 the attorney in Stevenson Wong, the firm.

20 MR. SARNOFF: That's right.

21 A. My answer is yes.

22 Q. Do you know why Boies Schiller got  
23 documents from Stevenson Wong?

24 MR. HARMON: Okay. Translate, but  
25 don't answer, please, yet.

1 KWOK

2 I caution the witness not to  
3 disclose conversations with counsel which  
4 would be subject to an attorney/client  
5 privilege.

6 A. All right.

7 Q. So you can't answer the question  
8 without disclosing?

9 A. That's right.

10 THE INTERPRETER: Counsel, can I get  
11 a couple minutes bathroom break?

12 MR. MOSS: Sure. Of course.

13 THE VIDEOGRAPHER: We are now off  
14 the record. The time is 10:40 a.m.

15 (Recess taken.)

16 THE VIDEOGRAPHER: This marks the  
17 beginning of tape number 2. We are now  
18 back on the record. The time is  
19 10:55 a.m.

20 (Plaintiff's Exhibit 19, Fourth  
21 Supplemental Deed of Settlement, dated  
22 February 10, 2015, Bates Stamped KWOK1206  
23 through 1211, marked for identification.)

24 BY MR. MOSS:

25 Q. Mr. Kwok, you are being handed

1 KWOK

2 Exhibit 19, which is titled "Fourth  
3 Supplemental Deed of Settlement," February 10,  
4 2015, Bates stamped KWOK1206 through KWOK1211.

5 MR. HARMON: I hate to interrupt,  
6 but didn't you just mark that as 19?

7 MR. MOSS: Yeah, I just gave him 19.

8 MS. SEARLES: I think the confusion  
9 is you gave us an additional copy. I  
10 think that's where we're getting confused.

11 MR. HARMON: You handed it to me  
12 like it was a new exhibit. So that's why  
13 I was --

14 MR. MOSS: I think we handed it to  
15 you before the break.

16 MR. HARMON: You did.

17 BY MR. MOSS:

18 Q. Mr. Kwok, Exhibit 19, if you could  
19 please direct your attention to page KWOK1210.

20 Are any of those your signatures?

21 A. No.

22 Q. Do you know who any of the  
23 signatures are?

24 A. No, I do not know.

25 Q. Do you know how this document came

1 KWOK

2 to be produced from your files?

3 MR. HARMON: Object to the form of  
4 the question.

5 A. I believe they came from Stevenson  
6 Wong's law firm.

7 Q. Did you have any discussions with  
8 Pacific Alliance about this document or about  
9 extending the terms of the deed of settlement?

10 A. I don't recall.

11 Q. Did you tell Boies Schiller that  
12 Stevenson Wong used to be your lawyers?

13 DI MR. HARMON: Direct the witness not  
14 to answer. Attorney/client privilege  
15 communication.

16 A. I'm going to follow my attorney's  
17 direct not to answer this question.

18 Q. Did you ever tell Hodgson Russ that  
19 Stevenson Wong were your lawyers in connection  
20 with dealings with Pacific Alliance?

21 DI MR. HARMON: I direct the witness  
22 not to answer. Attorney/client privileged  
23 communication.

24 Q. Have you ever told --

25 THE CHECK INTERPRETER: But --



1 KWOK

2 sorry. The interpreter did not even  
3 interpret the question to --

4 MR. HARMON: It's okay, because I'm  
5 not going to let him answer it.  
6 Attorney/client privilege --

7 THE INTERPRETER: I don't usually --  
8 the interpreter is going to make a  
9 clarification.

10 I don't usually, when counsel direct  
11 his client not to answer the question, I  
12 usually not to interpret. If you want --  
13 if everybody, all party want me to do  
14 that, I can do that. I have no problem.

15 MR. MOSS: I think it's fine.

16 THE INTERPRETER: Thank you.

17 BY MR. MOSS:

18 Q. Have you ever communicated to  
19 anybody that Stevenson Wong represented you in  
20 connection with dealings with Pacific Alliance  
21 other than communications with counsel?

22 MR. HARMON: Interpret the question  
23 and wait, please.

24 So he can answer the question only  
25 to the extent that his answer does not

1 KWOK

2 include conversations he's had with  
3 counsel.

4 A. I don't recall.

5 Q. Where were you living on  
6 February 10, 2015?

7 A. New York.

8 Q. As of February 10, 2015, had the  
9 Chinese authorities seized the Beijing Pangu  
10 Plaza?

11 A. It was seized. But, you know, I  
12 want to be clear that I don't recall the exact  
13 time.

14 Q. Mr. Kwok, you've testified during  
15 the last deposition about Bruno Wu.

16 Do you recall that testimony?

17 A. Yes.

18 Q. And you filed a complaint in federal  
19 court in New York against Mr. Wu; is that  
20 correct?

21 A. Yeah. He's their partner.

22 Q. And Foley Hoag represented you in  
23 filing that lawsuit, the law firm Foley Hoag?

24 A. Yes.

25 Q. When you were referring to Mr. Wu

1 KWOK

2 and you said, he is their partner, did you mean  
3 he was Pacific Alliance's partner?

4 THE INTERPRETER: I just instructed  
5 the witness, let me interpret the question  
6 before he answer, and he said I'm sorry.

7 A. Well, he is cooperate with PAG.

8 Q. Is Foley Hoag working for the  
9 Chinese government?

10 A. I don't know. Who is Foley Hoag?

11 Q. I think you just testified that they  
12 were your lawyers who represented you in  
13 connection with suing Mr. Wu; is that right?

14 A. Yeah. You are talking about the law  
15 firm -- okay. So, well, I'm not certain any  
16 question of the names in English. I'm not  
17 familiar with all names or any names in  
18 English.

19 So I'm not going to answer that  
20 question.

21 (Plaintiff's Exhibit 20, Complaint  
22 filed by Guo Wengui against Bruno Wu,  
23 marked for identification.)

24 Q. Mr. Kwok, you have been handed  
25 Exhibit 20, which is a complaint filed by Guo

C E R T I F I C A T E

STATE OF NEW YORK )

:ss

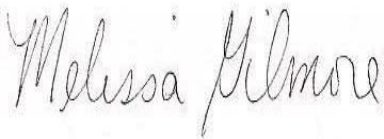
COUNTY OF RICHMOND)

I, MELISSA GILMORE, a Notary Public  
within and for the State of New York, do hereby  
certify:

That HO WAN KWOK, the witness whose  
deposition is hereinbefore set forth, was duly  
sworn by me and that such deposition is a true  
record of the testimony given by such witness.

I further certify that I am not  
related to any of the parties to this action by  
blood or marriage; and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 16th day of December, 2019.



MELISSA GILMORE